

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTIETH LEGISLATURE

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**FORTIETH LEGISLATIVE DAY  
FRIDAY, FEBRUARY 19, 2010**

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Jorgenson and Keough, absent and formally excused by the Chair; and President Pro Tempore Geddes and Senators Andreason, Coiner, Darrington, Hill, Lodge, Malepeai, McGee, and Schroeder, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Haley Egan, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 18, 2010, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senators Darrington, McGee, and Schroeder were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

President Pro Tempore Geddes and Senator Andreason were recorded present at this order of business.

February 19, 2010

The JUDICIARY AND RULES Committee reports that [S 1373](#), [S 1374](#), and [SCR 119](#) have been correctly printed.

DARRINGTON, Chairman

[S 1373](#) and [S 1374](#) were referred to the Health and Welfare Committee.

[SCR 119](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 18, 2010

The JUDICIARY AND RULES Committee reports that [S 1294](#) has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1294](#) and ordered it transmitted to the House for the signature of the Speaker.

February 18, 2010

The JUDICIARY AND RULES Committee reports that [S 1252](#), as amended, and [S 1320](#), as amended, have been correctly engrossed.

DARRINGTON, Chairman

[S 1252](#), as amended, and [S 1320](#), as amended, were filed for first reading.

February 19, 2010

The JUDICIARY AND RULES Committee reports that Senate amendments to [S 1252](#), [S 1320](#), and [H 382](#) have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 18, 2010

The AGRICULTURAL AFFAIRS Committee reports out [S 1316](#), [S 1332](#), and [SJM 104](#) with the recommendation that they do pass.

CORDER, Chairman

[S 1316](#) and [S 1332](#) were filed for second reading.

[SJM 104](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

Senator Malepeai was recorded present at this order of business.

February 18, 2010

The COMMERCE AND HUMAN RESOURCES Committee reports out [S 1325](#) and [S 1347](#) with the recommendation that they do pass.

ANDREASON, Chairman

[S 1325](#) and [S 1347](#) were filed for second reading.

February 18, 2010

The COMMERCE AND HUMAN RESOURCES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

John T. Cowden to the Idaho Personnel Commission, term to expire July 1, 2015.

ANDREASON, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 18, 2010

The EDUCATION Committee reports out [S 1367](#) with the recommendation that it do pass.

GOEDDE, Chairman

[S 1367](#) was filed for second reading.

Senators Hill and Lodge were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

#### Messages from the Governor

February 18, 2010

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

[S 1292](#) and [S 1293](#)

As Always - Idaho, *Esto Perpetua*  
/s/ C. L. "Butch" Otter  
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

#### Messages from the House

Senator Coiner was recorded present at this order of business.

February 18, 2010

Dear Mr. President:

I return herewith [S 1302](#) and [S 1307](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1302](#) and [S 1307](#) were referred to the Judiciary and Rules Committee for enrolling.

February 18, 2010

Dear Mr. President:

I transmit herewith [H 466](#), [H 467](#), [H 398](#), [H 457](#), [HJM 9](#), and [H 415](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 466](#), [H 467](#), [H 398](#), [H 457](#), [HJM 9](#), and [H 415](#) were filed for first reading.

February 18, 2010

Dear Mr. President:

I transmit herewith Enrolled [H 384](#), [H 385](#), and [H 397](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 384](#), [H 385](#), and [H 397](#) and ordered them returned to the House.

The Senate advanced to the Eleventh Order of Business.

#### Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[H 382](#), as amended in the Senate, by Revenue and Taxation Committee, was read the first time at length and filed for second reading.

[S 1252](#), as amended, by Commerce and Human Resources Committee, was read the first time at length and filed for second reading.

[S 1320](#), as amended, by Health and Welfare Committee, was read the first time at length and filed for second reading.

[H 466](#) and [H 467](#), by Agricultural Affairs Committee, were introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

[H 398](#), by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

[H 457](#), by Appropriations Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

[HJM 9](#) and [H 415](#), by Resources and Conservation Committee, were introduced, read the first time at length, and referred to the Resources and Environment Committee.

The Senate advanced to the Twelfth Order of Business.

#### Second Reading of Bills

[H 430](#), by Business Committee, was read the second time at length and filed for third reading.

[S 1324](#) and [S 1327](#), by Commerce and Human Resources Committee, were read the second time at length and filed for third reading.

[H 391](#), as amended, and [H 414](#), by State Affairs Committee, were read the second time at length and filed for third reading.

[S 1322](#), by Health and Welfare Committee, was read the second time at length and filed for third reading.

[S 1329](#), by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

[H 386](#), as amended, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Tenth Order of Business.

#### Motions and Resolutions

The President announced that [HCR 38](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Fulcher, seconded by Acting Senator Stennett, [HCR 38](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that [HJM 10](#) was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by President Pro Tempore Geddes, seconded by Senator Kelly, [HJM 10](#) was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The President announced that the Transportation Committee report relative to the Gubernatorial appointment of Rodger Lee Sorensen was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by President Pro Tempore Geddes, seconded by Senator Kelly, the Gubernatorial appointment of Rodger Lee Sorensen as a member of the Idaho Aeronautics Advisory Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

[H 451](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Jorgenson, Keough. Total - 2.

Total - 35.

Whereupon the President declared [H 451](#) passed, title was approved, and the bill ordered returned to the House.

[H 452](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Jorgenson, Keough. Total - 2.

Total - 35.

Whereupon the President declared [H 452](#) passed, title was approved, and the bill ordered returned to the House.

[H 453](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Jorgenson, Keough. Total - 2.

Total - 35.

Whereupon the President declared [H 453](#) passed, title was approved, and the bill ordered returned to the House.

[S 1321](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, LeFavour, Lodge, Malepeai, McGee, McKenzie, Schroeder, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 28.

NAYS—Bair, McKague, Mortimer, Pearce, Siddoway. Total - 5.

Absent and excused—Jorgenson, Keough. Total - 2.

Total - 35.

Whereupon the President declared [S 1321](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, [H 443](#) retained its place on the Third Reading Calendar for one legislative day.

President Little called President Pro Tempore Geddes to the Chair.

[H 390](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Jorgenson, Keough. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [H 390](#) passed, title was approved, and the bill ordered returned to the House.

[S 1282](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Jorgenson, Keough. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [S 1282](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1283](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Jorgenson, Keough. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [S 1283](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1284](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Jorgenson, Keough. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [S 1284](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1285](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Jorgenson, Keough. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [S 1285](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1286](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Schroeder disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Jorgenson, Keough. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [S 1286](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1328](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Schroeder disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 32.

NAYS--None.

Absent and excused--Davis, Jorgenson, Keough. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared [S 1328](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1338](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS--None.

Absent and excused--Jorgenson, Keough. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [S 1338](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Ninth Order of Business.

#### **Messages from the House**

February 19, 2010

Dear Mr. President:

I transmit herewith [HCR 42](#), which has passed the House.

ALEXANDER, Chief Clerk

[HCR 42](#) was filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

#### **Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials**

[HCR 42](#), by State Affairs Committee, was introduced, read at length, and referred to the Commerce and Human Resources Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### **Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:30 p.m. until the hour of 10:30 a.m., Monday, February 22, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary